

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE:)
) Chapter 11
GEORGE BRUCE SOWERS, JR. and)
JACQUELINE RICHARDS SOWERS,) Case No. 11-34179-KRH
)
Debtors.)

**ESSEX BANK'S OBJECTION TO EXEMPTIONS CLAIMED BY DEBTORS
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 4003(B)**

Essex Bank, by counsel, for its Objection to certain exemptions claimed by Debtors, pursuant to Rule 4003(b) of the Federal Rules of Bankruptcy Procedure, states as follows:

1. Essex Bank is a creditor of the Debtors possessing a joint claim against George B. Sowers, Jr. and Jacqueline Richards Sowers.

2. Essex Bank has filed four Proofs of Claim in this proceeding (Claim Numbers 6, 7, 8, and 9) evidencing the obligations against Mr. and Mrs. Sowers.

3. In Schedule C of their Schedules of Assets and Liabilities, the Debtors have claimed as exempt, pursuant to 11 U.S.C. § 552(b)(3)(B), certain property owned as tenants by the entireties including:

- equity in certain real estate known as 2001 Oakengate Lane, Midlothian, Virginia;
- cash on hand of \$4,250.00;
- computer, miscellaneous household items, and furniture in the amount of \$10,000.00;

Vernon E. Inge, Jr. (Va. State Bar No. 32699)
Corey S. Booker (Va. State Bar No. 73419)
LECLAIRRYAN, A PROFESSIONAL CORPORATION
Federal Reserve Bank Building, 16th Floor
701 East Byrd Street (ZIP – 23219)
Post Office Box 2499
Richmond, Virginia 23218-2499
Telephone: 804.343.4095 / 804.915.4137
Facsimile: 804.783.7632 / 804.916.7230
E-Mail: Vernon.Inge@LeClairRyan.com
E-Mail: Corey.Simpson@LeClairRyan.com

Counsel for Essex Bank, Creditor

- miscellaneous books, pictures, records, CDs, and collectibles in the amount of \$11,500.00; and
- clothing totaling \$500.00.

4. The tenancy by the entirety exemption is not effective against creditors who have a joint claim against the Debtors. *See Vasilion v. Vasilion*, 192 Va. 735 (1951).

5. Therefore, the assertion of that claim against Essex Bank is ineffective and does not exempt those assets from Essex Bank's joint claim against the Debtors.

WHEREFORE, Essex Bank objects to the tenancy by the entirety exemption claimed by the Debtors in the assets listed above and requests that the Court enter an order denying the exemption as to Essex Bank and granting the Essex Bank such necessary and further relief as it deems necessary.

ESSEX BANK

/s/ Corey S. Booker
Counsel

Vernon E. Inge, Jr. (Va. State Bar No. 32699)
Corey S. Booker (Va. State Bar No. 73419)
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Facsimile: 804.783.7632 / 804.916.7230
E-Mail: Vernon.Inge@LeClairRyan.com
E-Mail: Corey.Simpson@LeClairRyan.com

Counsel for Essex Bank, Creditor.

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of August, 2011, a true and correct copy of the foregoing Objection to Exemptions Claimed By Debtors Pursuant to Bankruptcy Rule of Civil Procedure 4003 was served on all persons receiving electronic notice in these cases or first class mail, postage prepaid, to the following:

W. Clarkson McDow, Jr.
OFFICE OF THE UNITED STATES TRUSTEE
701 East Broad Street, Suite 4304
Richmond, Virginia 23219
United States Trustee

Troy Savenko, Esq.
Kaplan & Frank, PLC
7 East Second Street
Richmond, Virginia 23224-4253
Counsel for Debtor

George Bruce Sowers, Jr.
3736 Winterfield Road
Suite 200
Midlothian, VA 23113

Jacqueline Richards Sowers
3736 Winterfield Road
Suite 200
Midlothian, VA 23113

/s/ Corey S. Booker _____
Corey S. Booker